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Sent: Wednesday, April 28, 2010 4:47 PM

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Subject: Notice of Availability of Stakeholder Review Draft for Proposed Amendments to 20.11.3 NMAC, Transportation Conformity

Follow Up Flag: Follow up

Flag Status: Red

Attachments: 20_11_3 NMAC Stakeholder Review Draft 4-28-10 PM amendments.pdf

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Dear Stakeholders,

On March 24, 2010, the U.S. Environmental Protection Agency (EPA) promulgated changes to the transportation conformity rule that primarily affects $PM_{2.5}$ and PM_{10} nonattainment and maintenance areas. This rule became effective on April 23, 2010 [FR Vol. 75, No. 56, 14260-14285]. In response, The COA Air Quality Division (AQD) is proposing amendments to the current Air Quality Control Board regulation, 20.11.3 NMAC, *Transportation Conformity*. The Stakeholder Review Draft is attached, and is also available on the AQD website. The AQD respectfully requests that stakeholders provide comments on this draft by May 28, 2010. Comments can be sent electronically to nbutt@cabq.gov, or delivered to Neal Butt, c/o Air Quality Division, Environmental Health Dept., PO Box 1293, One Civic Plaza NW, Albuquerque, NM 87103; (505) 768-2660.

Key Elements of the Final Rule

The final rule provides clear guidance on how to implement transportation conformity under the 2006 $PM_{2.5}$ national ambient air quality standards (NAAQS) to ensure that transportation planning and air quality planning are coordinated and that air quality is protected. Conformity will apply in 2006 $PM_{2.5}$ nonattainment areas for this NAAQS on December 14, 2010, based on the one-year grace period for newly designated areas in the Clean Air Act (CAA) and the transportation conformity rule.

The final rule also updates the conformity regulation to:

• Include the requirements for demonstrating conformity for the 2006 $PM_{2.5}$ NAAQS, including the regional emissions test(s) that would apply before and after SIP motor vehicle emissions

budgets are established for the revised NAAQS;

• Update the baseline year for the interim emissions test to calendar year 2008 in 2006 $PM_{2.5}$ nonattainment areas;

• Clarify which budgets PM_{10} nonattainment and maintenance areas would use for transportation conformity determinations, now that the annual PM_{10} standard has been revoked; and

• Clarify that federally funded or approved highway and transit projects in $PM_{2.5}$, PM_{10} and CO nonattainment and maintenance areas must not delay timely attainment or achievement of other interim milestones.

Background
Transportation conformity is a CAA requirement that ensures that federally supported highway and transit projects are consistent with state air quality implementation plans. Conformity helps protect public health through early consideration of the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past.

Health and Environmental Benefits
The final rule improves the health and environmental benefits of the existing transportation conformity program by requiring new $PM_{2.5}$ nonattainment areas and existing PM_{10} nonattainment and maintenance areas to use conformity tests that ensure that air quality is protected in areas that need to attain or maintain federal air quality standards. The final rule also clarifies that hot-spot analyses are performed in a manner consistent with the CAA public health and environmental requirements.

<<20_11_3 NMAC Stakeholder Review Draft 4-28-10 PM amendments.pdf>>

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